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Committee on Non-Governmental Organizations
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Item 8 of the provisional agenda*
Consideration of special reports

Special reports**

I. Introduction

1. At its 2002 resumed session, the Committee on Non-Governmental Organizations, in accordance with paragraph 61 (c) of Economic and Social Council resolution 1996/31, reviewed reports submitted by the following organizations:

Transnational Radical Party

France Libertés: Fondation Danielle Mitterrand

Movement against Racism and for Friendship among Peoples

2. Consideration of the reports was deferred to the 2003 regular session pending the submission of additional reports.

II. Transnational Radical Party

3. The Transnational Radical Party (TRP) is an international non-governmental organization in general consultative status with the Economic and Social Council since 1995.

4. At its 2002 regular session, the Committee discussed a complaint brought by the Government of Viet Nam against TRP. The grounds for the complaint was that the organization had provided accreditation to individuals who were members of the Montagnard Foundation, a movement considered a terrorist organization by Viet Nam, to take part in the fifty-eighth session of the Commission on Human Rights.

* E/C.2/2003/1.
** The present document was submitted late because the exchange of correspondence with non-governmental organizations to obtain clear and complete applications took longer than anticipated.

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The Committee requested the organization to present a special report on the issues brought to the attention of the Committee by the representative of Viet Nam.

5. At its 2002 resumed session, the Committee reviewed the special report submitted by the NGO and found it to be unsatisfactory. The Committee decided that TRP should submit a new supplementary report, including information on the activities carried out by the organization, for consideration during the Committee's 2003 regular session. The Committee decided that consideration of TRP's quadrennial report for 1995-1999 should be deferred until after the review of the additional special reports requested from the organization.

6. TRP submitted the following new supplementary report on 17 March 2003:

"The Transnational Radical Party (TRP) is a non-governmental organization in general consultative status with the Economic and Social Council of the United Nations since 1995.

"TRP is a membership-based organization. Members include elected officials, both from Parliaments and Governments, of different countries and different political affiliations, as well as several thousand individuals from some 20 countries. All members pay their dues on an annual basis (current fees for European Union countries and the United States are 200 euros/dollars). The amount is set for 1 per cent of the member's residence country GDP.

"TRP is a Gandhian non-violent organization. In its activities and campaigns, TRP tries to reach out to different democratic constituencies through non-violent means involving its members in transnational actions that often find in the United Nations a key point of reference. The most recent initiative is an appeal to the Security Council to decide on the premise of the departure of Saddam Hussein and, on the basis of the relevant provisions of the Charter of the United Nations, to place Iraq under international administration (democratic government), charging a respected statesman to establish the conditions, within two years for the full exercise of rights and liberties by all the Iraqi people, as the Universal Declaration of Human Rights demands. The petition has been endorsed by hundreds of legislators and over 20,000 people worldwide.

"Since its affiliation with the United Nations, TRP has participated in the works of a variety of United Nations bodies on issues pertaining to the promotion of civil and political rights; support for all bilateral and multilateral actions to promote democracy worldwide; support of the activities of the United Nations ad hoc tribunals and for the establishment of the International Criminal Court; the support of the adoption of a universal moratorium of capital executions by the General Assembly; support for an antiprohibitionist reform of the United Nations conventions on drugs; support for use of Internet technologies the world over to foster civil liberties and democracy; and support for freedom of scientific research and for a civilian conversion of military expenses.

"Over the last eight years, TRP has sent delegations and circulated and/or delivered statements at the twentieth special session of the General Assembly, on drugs, the Commission and Subcommission on Human Rights, the Commission on Narcotic Drugs, the Commission on the Status of Women, the Human Rights Committee, the Committee on Racial Discrimination, the

Committee on NGOs, the Durban World Conference against racism, as well as other seminars and meetings convened by the United Nations in New York, Geneva and Vienna.

"In 1999, in compliance with Council resolution 1996/31, TRP submitted its first quadrennial report (see E/C.2/2000/2) and will submit its second report by the end of 2003. For constant updates of the activities of the organization, please visit www.radicalparty.org.

"TRP is fully aware of the responsibilities stemming from its affiliation with the United Nations system and has always complied with the provisions contained in Council resolution 1996/31. For these reasons, it respectfully submits the following information concerning the presence and activity of Mr. Kok Ksor, TRP member since April 2002, as a TRP delegate to the fifty-eighth session of the Commission on Human Rights. Moreover, TRP wishes to inform the Committee that in November 2002, at the second session of its 38th Congress, Mr. Kok Ksor was elected member of the TRP General Council. Lastly, some 100 Degar living in the United States are also members of TRP.

"As a preliminary observation, TRP wishes to bring to the attention of the Committee the information contained in the letter dated 23 April 2002 issued by Ambassador Krzysztof Jakubowski, Chairman of the fifty-eighth session of the Commission on Human Rights. In that letter, among other things, the Polish Chair of the Commission clearly states that: 'At my request, the Secretariat proceeds to a meticulous implementation of the accreditation procedure of all observer participants. In this particular instance, it was brought to my attention that the representative of the Montagnard Foundation was duly accredited by the Transnational Radical Party, an NGO in consultative status with the Economic and Social Council' (see annex 1).*

"As regards the aide-memoire submitted by the delegation of Viet Nam on 13 January 2003 concerning the special report submitted by TRP as requested by the Committee on 22 May 2002, TRP wishes to emphasize that the document is not consistent with the allegation that TRP 'clearly abuses its consultative status by engaging in a pattern of acts contrary to the purposes and principles of the Charter of the United Nations, including unsubstantiated or politically motivated acts against Member States ... incompatible with those purposes and principle as provided for in Economic and Social Council resolution 1996/31'. In fact, with the exception of paragraph 1 of the aide-memoire, the rest of the document does not contain any additional concerns to the ones listed in the original request for a special report.

"Paragraph 1 of the Vietnamese aide-memoire, among other things, states that '[...] it is publicly recognized by Kok Ksor and the Montagnard Foundation Inc. (MFI) in its announcements for an MFI "briefing" sponsored by TRP during the fifty-eighth session of the Commission on Human Rights in Geneva. During the Viet Nam War, some 40,000 Montagnard hill tribesmen were recruited by the CIA and United States Army to fight against the communists, and some of the Montagnards kept fighting the war until 1992 — 17 years after the Americans left Viet Nam'.

* Annexes will be distributed separately in English only.

"TRP submits that the briefing was organized and hosted by TRP in full compliance with the rules and regulations set out by the Commission on Human Rights and duly authorized by the Chair of the fifty-eighth Commission. The information contained in the literature that was used to publicize the event contains historical facts that in no way can be considered in breach of Economic and Social Council resolution 1996/31.

"In the above-mentioned letter sent by the Polish Chair to the Vietnamese Ambassador to the United Nations in Geneva, it is also clearly stated that '(...) Additionally, the parallel event held on 15 April from 1 to 3 p.m. in room XXII, which was referred to in your correspondence, was also organized in conformity with paragraph 53 of document E/CN.4/2002/16'.

"TRP wishes to state that the remaining information contained in the aide-memoire concerns activities of other organizations carried out in a period of time in which the groups and the individuals concerned did not have any relationship with TRP and that do not affect TRP affiliation with the United Nations system.

"To assist the Committee in its deliberations, TRP submits that since 1993 (a period that is prior to the one covered by this report and TRP consultative status), Mr. Kok Ksor and MFI have been accredited directly by the United Nations to a series of United Nations meetings concerning indigenous issues. Such participation is acknowledged in a number of official United Nations documents (see annex 2).*

"Considering the gravity of some of the allegations contained in the Vietnamese aide-memoire, TRP wishes to submit that, to the best of its knowledge, there is no link between Mr. Ksor and MFI with terrorist organizations; moreover, TRP wishes to bring to the attention of the Committee that neither Mr. Ksor nor MFI are included in any nationally or internationally list of recognized terrorist organizations. TRP wishes to reiterate that, being a non-violent organization, it only collaborates with individuals and/or organizations that fully endorse that philosophy and methods of action.

"As regards some of the activities carried out with Mr. Kok Ksor, TRP wishes to submit that, in July 2002, Mr. Ksor met Margherita Boniver, Undersecretary for Human Rights of the Italian Foreign Ministry, and that in September 2002, Mr. Ksor addressed a seminar at the European Parliament on South East Asia. In October 2002, Mr. Ksor also participated in two Parliamentary hearings on freedom of religion held at the Italian Chamber of Deputies and Senate. He also met with the President of the Italian Senate.

"TRP wishes to take this opportunity also to quote from the web site of MFI (www.montagnard-foundation.org) to address some of the inaccuracies contained in the Vietnamese aide-memoire:

- Mr. Ksor was born in 1944 in Bon Broai village, Ceo Reo district, Pleiku province, and not in 1945 in Gia Lai.
- Mr. Ksor has never fought with the South Viet Nam Regime's army, rather with the Cambodian army.
- Mr. Ksor never proclaimed himself Major-General of FULRO.

- MFI was founded in 1990 and not in 1992, and is a group dedicated to preserve the lives and the culture of the indigenous Montagnard (DEGAR) people of Viet Nam's Central Highlands. Its guiding strategy is to restore, safeguard and monitor innate and inalienable human rights of the Montagnards as described in the covenants and declarations of the United Nations. MFI pledges to accomplish its mission through peaceful, humanitarian, and non-military means in the spirit of international cooperation.

- To the best of TRP's knowledge, Mr. Ksor has never advocated an armed struggle to 'publicize and legalize an independent state of Degar'.

- MFI did not incite any violent riot in February 2001, nor did it encourage the mass exodus of people into Cambodia in an attempt to form a state. Media reports, as well as independent observers, have praised the peaceful nature of the 2001 demonstrations and have criticized the disproportionate response of the Vietnamese authorities.

- To the best of TRP's knowledge, there is no evidence of the launch of an appeal with a certain Ama Cham that advocates 'dega Protestantism'. Nevertheless, should this exist, TRP does not believe that the separation of a church from a certain type of denomination is in breach with any United Nations principles, rules or regulations.

"In conclusion, TRP wishes to bring to the attention of the Committee the documents prepared by Human Rights Watch (www.hrw.org) and Amnesty International (www.amnesty.org), two NGOs in consultative status with the Council, that expose the human rights situation in Viet Nam's Central Highlands (see annex 3).*"

III. France Libertés: Fondation Danielle Mitterrand

7. France Libertés: Fondation Danielle Mitterrand is an international non-governmental organization with special consultative status since 1991.

8. At its 2001 resume session, the Committee had before it the response of the NGO to questions posed by the Committee on its quadrennial report for the period 1995-1998 that had been reviewed earlier in the session. The delegation of China, concerned that the report contained unfounded allegations regarding China's relationship with Tibet and that it questioned the territorial integrity of China, requested that the organization provide a special report on its position regarding China's sovereignty over Tibet.

9. At the 2002 regular session, France Libertés submitted a special report that was reviewed by the Committee. With reference to paragraph 57 (a) of Council resolution 1996/31, it was determined that the NGO had not clarified its position with regard to Tibet and the Committee was unable to accept the special report. The Committee requested that the organization submit a supplementary special report for consideration at its 2002 resumed session.

10. At its 2002 resumed session, pursuant to the discussion of the supplementary report (E/C.2/2002/3) submitted by France Libertés, the Committee decided that the organization had expressed the same view as in its previous report to the 2002

regular session. In a flexible attempt to resolve this matter, the Committee decided to give France Libertés another opportunity to clarify its position on Tibet and requested it to submit a further report to be considered at the 2003 regular session. The Committee decided that consideration of the quadrennial report should be deferred until after the review of the additional special reports requested from the organization.

11. France Libertés submitted the following additional report on 17 March 2003.

"Supplementary special report of France Libertés on Tibet

"At the session of the Committee on Non-Governmental Organizations held from 14 to 25 January 2002, the delegation of China had expressed the opinion that France Libertés 'failed to recognize the fact that Tibet was an integral part of China, thereby undermining China's sovereignty' and had called for the application of paragraph 57 (a) of Economic and Social Council resolution 1996/31, which provides that the consultative status of non-governmental organizations may be suspended or withdrawn 'if an organization (...) clearly abuses its status by engaging in a pattern of acts contrary to the purposes and principles of the Charter of the United Nations, including unsubstantiated or politically motivated acts against States Members (...) incompatible with those purposes and principles'.

"In January 2002, at the request of the delegation of China made through the Committee on Non-Governmental Organizations, France Libertés submitted a special report on its position regarding Tibet.

"At its session held from 13 to 24 May 2002, the Committee on Non-Governmental Organizations recalled that 'Tibet is an integral and inalienable part of China' and, again with reference to paragraph 57 (a) of resolution 1996/31, requested a supplementary special report clarifying our organization's position on Tibet to be considered at the January 2003 session.

"The Committee on Non-Governmental Organizations did not find the new report submitted in December 2002 satisfactory and reiterated its request at its session held from 8 to 25 January 2003, expressing the view that the resolutions to which France Libertés was referring were the product of the cold war and had been adopted before China had been restored to its seat at the United Nations.

"The actions of France Libertés and its statements at the meetings of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities of the Economic and Social Council have always been based on respect for the law. That is why they were based on General Assembly resolution 1353 (XIV), of 21 October 1959, which is mindful of 'the distinctive cultural and religious heritage of the people of Tibet and of the autonomy which they have traditionally enjoyed', resolution 1723 (XVI), of 20 December 1961, which 'renews its call for the cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination', and resolution 2079 (XX), of 1965, which 'renews its call for the cessation of all practices which deprive the Tibetan people of the human rights and fundamental freedoms which they have always enjoyed'.

"We were not aware that the People's Republic of China did not recognize the validity of these resolutions and duly take note of this fact.

"France Libertés remains gravely concerned at the numerous human rights violations committed by the People's Republic of China. Many first-hand accounts, reports and resolutions bear witness to summary executions, torture, imprisonment and harassment, among other violations. The policies of the People's Republic of China seriously undermine the cultural identity of the Tibetan people by suppressing the various manifestations of their national, cultural and religious identity.

"The following examples may be cited:

- Resolution 1991/10 of the Subcommission on Prevention of Discrimination and Protection of Minorities, of 23 August 1991;
- The resolutions of the European Parliament (Strasbourg), dated 14 October 1987, 15 March 1989, 15 September 1993, 17 May 1995, 13 July 1995, 15 December 1995, 18 April 1996, 23 May 1996, 13 March 1997, 16 January 1998, 13 May 1998 and 13 April 2000;
- Resolutions 129 (16 September 1988), 82 (15 March 1989), 63 (16 May 1989), 79 (5 October 1989), 106 (27 May 1993), 106 (8 September 1995) and 43 (13 December 1995) of the Congress of the United States of America;
- Written Declaration No. 173, of 5 October 1988, of the Parliamentary Assembly of the Council of Europe.

"France Libertés therefore calls upon the Chinese authorities to continue the dialogue with the representatives of the Dalai Lama, Nobel Peace Prize winner, within the framework of what he described in his statement of 10 March 2003 as a 'Middle Way Approach', which 'does not call for independence and separation of Tibet. At the same time it provides genuine autonomy for the six million men and women who consider themselves Tibetans to preserve their distinctive identity, to promote their religious and cultural heritage. It provides the Tibetan and Chinese peoples a unique and crucial opportunity to put behind them decades of bitterness, distrust and resentment and to form a new relationship based on equality, friendship and mutual benefit'."

IV. Movement against Racism and for Friendship among Peoples

12. The report of the NGO will be issued in a separate document since the deadline for submission was set for 15 April 2003.